



THE CITY OF NEW YORK
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September 20, 2011

BY ECF

Hon. Viktor V. Pohorelsky
United States Magistrate Judge
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Elle Carmichael v. City of New York, et al., 06-CV-1913 (NG) (VVP)

Your Honor:

We write in response to plaintiff's letter of today's date solely to address one issue. While plaintiff complains that the City has caused "repeated delays" that somehow have made completion of discovery "problematic," yesterday plaintiff's counsel abruptly cancelled the plaintiff Elle Carmichael's deposition, which was scheduled for September 28th – essentially without explanation. Counsel e-mailed that his client was "currently sick" and would be unable to appear on the scheduled date "per her doctor's orders" (*see* attached e-mail). When we requested further information concerning the illness, as well as an anticipated date when his client would be able to appear, counsel stonewalled that Ms. Carmichael's illness was a private matter and suggested that she might possibly be available for deposition in October. Plaintiff's own conduct therefore belies any suggestion that the City is solely responsible for the delays in this case, or that the City's requested extension will cause prejudice to any party.

Respectfully submitted,

/s/

Arthur G. Larkin (AL 9059)
Assistant Corporation Counsel

AGL/m
Attachment
cc: All Counsel (by ECF)

Larkin, Arthur

From: David Gottlieb [dgottlieb@thompsonwigdor.com]
Sent: Monday, September 19, 2011 2:24 PM
To: Larkin, Arthur; alblegal@aol.com
Subject: Carmichael Deposition

Arthur/Lorenzo,

I write to inform you that we will need to adjourn Plaintiff's deposition as she is currently sick and will be unable to appear for her deposition on September 28, 2011 per her doctor's orders. We can reschedule when she is feeling better. Thank you for understanding.

We are still awaiting deposition dates for PO Eason Sweat, as well as the last known address of James Samborski.

Thanks,

David E. Gottlieb

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9/20/2011